

2005 Senate Bill 244

Date of enactment: **March 22, 2006**

Date of publication*: **April 5, 2006**

2005 WISCONSIN ACT 174

AN ACT *to renumber and amend* 767.327 (5m); *to amend* 767.24 (1m) (L); and *to create* 767.001 (1g), 767.23 (1) (ap), 767.24 (1m) (Lm), 767.24 (4) (e) and 767.327 (5m) (b) of the statutes; **relating to:** granting a parent electronic communication with a child.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 767.001 (1g) of the statutes is created to read:

767.001 (1g) “Electronic communication” means time during which a parent and his or her child communicate by using communication tools such as the telephone, electronic mail, instant messaging, video conferencing or other wired or wireless technologies via the Internet, or another medium of communication.

SECTION 2. 767.23 (1) (ap) of the statutes is created to read:

767.23 (1) (ap) Upon the request of a party, granting periods of electronic communication to a party in a manner consistent with s. 767.24. The court or circuit court commissioner shall make a determination under this paragraph within 30 days after the request for a temporary order regarding periods of electronic communication is filed.

SECTION 3. 767.24 (1m) (L) of the statutes is amended to read:

767.24 (1m) (L) Whether and how the child will be able to contact the other parent when the child has physical placement with the parent providing the parenting plan, and what electronic communication, if any, the parent is seeking.

SECTION 4. 767.24 (1m) (Lm) of the statutes is created to read:

767.24 (1m) (Lm) Whether equipment for providing electronic communication is reasonably available to both parents.

SECTION 5. 767.24 (4) (e) of the statutes is created to read:

767.24 (4) (e) If the court grants periods of physical placement to more than one parent, the court may grant to either or both parents a reasonable amount of electronic communication at reasonable hours during the other parent’s periods of physical placement with the child. Electronic communication with the child may be used only to supplement a parent’s periods of physical placement with the child. Electronic communication may not be used as a replacement or as a substitute for a parent’s periods of physical placement with the child. Granting a parent electronic communication with the child during the other parent’s periods of physical placement shall be based on whether it is in the child’s best interest and whether equipment for providing electronic communication is reasonably available to both parents. If the court grants electronic communication to a parent whose physical placement with the child is supervised, the court shall also require that the parent’s electronic communication with the child be supervised.

* Section 991.11, WISCONSIN STATUTES 2003–04 : Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

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SECTION 6. 767.327 (5m) of the statutes is renumbered 767.327 (5m) (intro.) and amended to read:

767.327 (5m) ~~DISCRETIONARY~~ OTHER FACTORS ~~TO~~ CONSIDER. (intro.) In making a determination under sub. (3), ~~the~~:

(a) The court may consider the child's adjustment to the home, school, religion and community.

SECTION 7. 767.327 (5m) (b) of the statutes is created to read:

767.327 (5m) (b) The court may not use the availability of electronic communication as a factor in support of a modification of a physical placement order or in support of a refusal to prohibit a move.

SECTION 8. Initial applicability.

(1) PARENTING PLANS. The treatment of section 767.24 (1m) (Lm) of the statutes first applies to parenting plans filed with the court on the effective date of this subsection.
